

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Scott Lawrence Simmons,

Civ. No. 21-949 (PAM/KMM)

Plaintiff,

v.

**ORDER**

D.P. Marshall, Chief District Judge,

Defendant.

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This matter is before the Court on the Report and Recommendation (“R&R”) of United States Magistrate Judge Katherine Menendez dated April 22, 2021. (Docket No. 3.) The R&R recommends dismissal of this matter for failure to state a claim for relief. See 28 U.S.C. § 1915(e)(2)(B)(ii). Plaintiff Scott Simmons did not file any objections to the R&R, and the time to do so has passed. D. Minn. L.R. 72.2(b)(1).

This Court must review de novo any portion of an R&R to which specific objections are made, but in the absence of objections, the Court reviews the R&R only for clear error. 28 U.S.C. § 636(b)(1); D. Minn. L.R. 72.2(b); see also Grinder v. Gammon, 73 F.3d 793, 795 (8th Cir. 1996) (noting that district court need only review un-objected-to R&R for clear error). The Court has reviewed the R&R and finds no error, clear or otherwise, in the Magistrate Judge’s reasoning.

Accordingly, **IT IS HEREBY ORDERED that:**

1. The R&R (Docket No. 3) is **ADOPTED**;
2. This matter is **DISMISSED**; and

3. Plaintiff Simmons' Application to Proceed in District Court without Prepaying Fees or Costs (Docket No. 2) is **DENIED**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: May 7, 2021

*s/ Paul A. Magnuson*  
Paul A. Magnuson  
United States District Court Judge